

**** AGENDA ****

City Commission Study Session

Wednesday, July 20, 2016

Conference Room 1AB

516 Mechanic Street

4:00 p.m.

- Review Ordinances on Animal Control
- Land Bank Creation Presentation
- Continued Budget Review

Tentative Agenda for July 20th City Commission Meeting

- City Commission Reports and Comments
- Public Comment
 - Kansas Shrine Bowl Proclamation
- CAFR Presentation
- Award FY2017 KLINK
- Purchase of Park Equipment
- Board Appointments to Community Housing Board
- Ordinances for Changes on Animal Control
- Ordinance for Update on Court Fees
- Report from City Manager on City Activities
- Executive Session



memo

TO: City Commission
FROM: Christina Montgomery, City Attorney
DATE: July 13, 2016
SUBJECT: Animal Control Ordinances

The Friends of the Emporia Animal Shelter would like to designate individuals who are assisting with TNR efforts as Community Cat Caregivers. These individuals help feed and care for feral cat colonies while TNR efforts are underway. Under our current ordinance definitions, these individuals could be considered to be owners or harborers of those cats, and subject to potential criminal penalties for nuisance behaviors. City staff is proposing ordinance amendments to define Community Cat Caregivers and to specify that these individuals are exempt from being considered an owner or harborer of the feral cats.

Sec. 6-1. Definitions:

For the purposes of this chapter, the following terms, phrases, words and derivations shall have the meanings given herein unless otherwise specifically defined:

Animal: Any vertebrate (to include, but not limited to, mammals, birds, reptiles, and amphibians) whether classified as wild or domesticated, other than humans.

Animal Control Officer: Public officer, police officer or appointed assistant to the animal control officer of the city who may perform the same duties and have the same powers as if they were an animal control officer.

Animal Nuisance: Is created when an animal:

- (1) Runs uncontrolled;
- (2) Molests or disturbs persons or vehicles by chasing, barking, growling, charging or biting;
- (3) Attacks other animals;
- (4) Damages property other than that of the owner or harborer;
- (5) Barks, whines, howls, brays, cries or makes other noise excessively so as to cause unreasonable annoyance, disturbance or discomfort to an individual who is a neighbor (a "neighbor" for this purpose is hereby defined as an individual residing in a residence structure which is within 500 feet of the property on which the animal is kept or harbored) and who does, in writing, state he will so testify if called upon to testify about such matter under oath;
- (6) Creates noxious or offensive odors;
- (7) Defecates upon any public place or upon premises not owned or controlled by the owner or harborer unless promptly removed by the animal owner or harborer;
- (8) Creates an insect breeding and/or attraction site due to an accumulation of excreta;
- (9) Is in heat and not properly confined;
- (10) Threatens or causes a condition which endangers public health; or
- (11) Impedes refuse collection by ripping any bag or tipping any container of such.

Animal Shelter: Any premises designated by the city for the purpose of impounding and caring for animals held under the authority of this chapter.

At Large: An animal running at will, acting on its own initiative and not secured by a leash or lead, unless the animal shall be within a vehicle being driven or parked or is within the property

limits of its owner, keeper or harborer and not under the control of a responsible person and obedient to that person's voice command.

***Community Cat Caregiver:* A person who is registered with the Friends of the Emporia Animal Shelter to care for feral cats. A community cat caregiver will not be considered to be an owner or harborer as defined under this section.**

Control Of An Animal: That the same is on a leash, is on or within a vehicle being driven or parked or is within the property limits of its owner, keeper or harborer and under the control of a responsible person and obedient to that person's voice command.

Dangerous Animal: Means and includes any wild mammal, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property.

Domestic Animal (Farm): Horses, mules, donkeys, goats, sheep, swine, fowl, including ducks, geese, turkeys and chickens, cattle, buffalo and other animals commonly found on farms.

Domestic Animal (Nonfarm): An animal, usually tame, commonly kept in a home by a family or household, including, but not limited to, dogs, cats, hares and rabbits, rodents and reptiles, birds, and other animals which are commonly sold at pet stores.

Ear Tip: A straight line cutting of the tip of a feral cat's left ear to indicate that it has been sterilized and vaccinated against rabies.

Euthanasia: The humane destruction of an animal accomplished by the method which produces instantaneous unconsciousness and immediate death without visible evidence of pain or distress.

Exotic/Wild Animal: Any wild mammal, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition or other animals not commonly sold in pet stores or found as pets in homes or as livestock on farms.

Feral Cat: A cat that is free roaming and has no apparent owner.

Harborer: Any person who provides food and shelter for any wild, exotic or domesticated (farm or nonfarm) animal for three (3) consecutive days or more.

Impound: To seize summarily, confine or restrain in custody.

Large Animal: Any dairy cows, beef cattle, horses, buffalo, sheep, goats and any other large domestic farm animal of similar size.

Own: Means and includes own, keep, harbor or have charge, custody or control of an animal.

Owner: Any person or persons, firm, association, partnership or corporation owning, keeping or harboring or having charge, custody or control of an animal. A parent or legal guardian shall be deemed to be owner of animals owned or maintained by children upon their premises.

Small Animal: Any animal except swine, dairy cows, beef cattle, goats, sheep or other large domestic farm animals of similar size.

Sterilized Cat: A cat that has been made infertile by surgical procedure, or one that has been certified by a licensed veterinarian as being naturally infertile.

Trap: Any mechanical device or snare which seeks to hold, capture or kill an animal.

Veterinary Hospital: Any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of disease and injury of animals. (Ord. 97-38, § 1, 10-15-1997; Ord. 98-7, § 1, 3-4-1998; Ord. 15-33, 12-16-2015)

Sec. 6-21. Owner Or Harboring Defined:

(a) Any person who shall keep a dog or cat or allow a dog or cat to remain or lodge or to be fed within his home, store, yard, enclosure or place of business or at any other premises which he controls or in which such person is lodged, shall be considered as owning or harboring such dog or cat.

(b) This section shall not apply to community cat caregivers.

Memo

TO: City Commission

FROM: Christina Montgomery, City Attorney

CC: Department Heads

DATE: July 15, 2016

SUBJECT: Land Bank Creation

City staff will be giving a presentation on land banks, the creation of land banks, and legal implications.

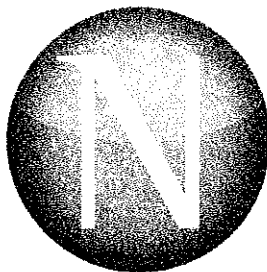
Memorandum

To: City Commission

From: Management Staff

Subject: 2017 Budget Materials

Final budget materials will be distributed Monday morning via email and hand delivery to your residences or place of business. Attached is a letter from Newman Hospital regarding the addition of the 3rd ambulance and crew to assist in meeting the emergency medical needs of our community. Thanks for your patience and consideration.



NEWMAN

REGIONAL HEALTH

July 13, 2016

The Honorable
Rob Gilligan, Mayor of Emporia
P.O. Box 928
Emporia, KS 66801

Dear Mayor Gilligan,

I wanted to express our support for the addition of another ambulance to assist with the transport of patients from Newman Regional Health to regional referral hospitals in Topeka, Kansas City, and Wichita.

While our recruitment of interventional cardiologists and other specialists and the addition of technology such as our cardiac catheterization lab, MRI, and 160 slice CT Scanner have helped reduce the need for such transfers, a 22% increase in our emergency room volume over the past four years has outrun those gains and has resulted in a proportionate increase in the number of transfers to these out of town facilities.

This volume is placing increasing pressure on local ambulance resources and on occasion is resulting in delays in the transfer of our patients to out of town facilities.

Thank you for considering the request of Lyon County EMS for an additional ambulance and crew.

Sincerely,

Robert N. Wright
Chief Executive Officer